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FOLEY AND LARDNER			EURIPIDOU, CH	EURIPIDOU, CHRISTOPHER M		
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WASHINGTON, DC 20007			2114			
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Please find below and/or attached an Office communication concerning this application or proceeding.

## Application N. Applicant(s) ## Office Action Summary Office Action Summary ## Office Action Office Action Summary ## Office Action Office Action Summary ## Office Action Office Offic							mpe			
Examin r Christopher M Euriptiou 2184			1	Applicati n N .		Applicant(s)				
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DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1, 2, 10-12, 20-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Grover U.S. Patent Number 6,421,349 B1.
- 3. Referring to claims 1, 21, 26, and 30, the limitation of a load distribution device provided in each of nodes included in a network, Grover (Column 3, lines 46-49) discloses broadcasting statelets to successive nodes in a network and updating them to reflect network information for routing communications. Referring to the limitation of a link state memory retrievably storing link state information of the network, wherein the link state database is used to dynamically calculate an alternate route for failure recovery when a failure notification is received, Grover (Column 3, lines 63-67 and column 12, lines 8-10) discloses ordering the statelets according to the network route information such as the number of paths and hop counts for determining an alternate route upon failure of a node, which can be stored in network configuration databases at each node. Referring to the limitation of a route candidate memory retrievably storing a plurality of route candidates for each of possible endpoint nodes, Grover (Column 4, lines 4-6) discloses selecting a route from an ordering of fields in the incoming statelets,

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which contain routes for all the nodes in the network that the statelets have passed through. Referring to the limitation of a route determiner for determining a route for a normally set up connection, wherein a route having a relatively small load is selected from a plurality of route candidates with a relatively high probability, Grover (Column 4, lines 4-11) discloses using the network information stored in the statelets that are updated at each node to determine a route for communications between nodes that promotes faster connections.

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- 4. Referring to claims 2, 12, 22, 24, 27, 29, and 31, the limitation of a route quality checker for checking quality of each of the route candidates by referring to the link state information stored in the link state memory when receiving a connection setup request, Grover (Column 16, lines 29-34) discloses a score being assigned for each route, which reflects the quality of its path and is used to select a route. Referring to the limitation of a route candidate selector for selecting the route for a requested connection from the route candidates depending on the quality of each of the route candidates, Grover (Column 16, lines 29-34) discloses selecting a route from all possible routes stored in broadcast statelets based on the quality of the route, determined by the value of its score.
- 5. Referring to claims 10 and 20, the limitation of an on-demand route calculator for calculating a route satisfying a requested quality by referring to the link state memory when no route is found in the route candidate selector, Grover (Column 3, lines 16-20) discloses searching for a set of intermediate nodes that form a closed path between other nodes in the network upon receiving a broadcast statelet that may be empty.

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6. Referring to claims 11, 23, 28, and 32, the limitation of an alternate route determiner for determining an alternate route when a failure notification is received, wherein a route having a relatively small load is selected as the alternate route from a plurality of route candidates with a relatively high probability, Grover (Column 3, lines 7-12 and column 16, lines 29-34) discloses selecting an alternate path to route communications upon occurrence of a failure in a network connection, by choosing a route from the broadcast statelet that will provide the fastest connection.

7. Referring to claim 25, the limitation of a link state memory controller for updating at least the link state memory when one of a link state message and a failure notification message is received, Grover (Column 3, lines 46-49) discloses modifying the statelet broadcast through the network at each node to update a route field in the statelet.

Allowable Subject Matter

8. Claims 3-9 and 13-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Masuo et al. U.S. Patent Number 6,122,753, Pekarske U.S. Patent Number 5,146,452, Stirpe et al. U.S. Patent Number 5,805,578, and Wallach et al. U.S. Patent Number 6,292,905 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Euripidou whose telephone number is

(703) 305-4669. The examiner can normally be reached on 8:30 AM - 5:30 PM with first Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

CME

PRIMARY EXAMINER